UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte JOHN D. FRAZIER and MICHAEL L. REED

Appeal No. 2007-0260
Application No. 09/897,628

ON BRIEF

Before HAIRSTON, KRASS, and RUGGIERO, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

This is an appeal from the final rejection of claims 1 through 23.

The disclosed invention relates to a method and system for associating security information with data instances of a user-defined data type.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method comprising:

providing a user-defined data type;

providing security information for the user-defined data type;

storing data instances according to the user-defined data type; and

associating the security information with the data instances.

The reference relied on by the examiner is:

Barkley et al. (Barkley) 6,202,066 Mar. 13, 2001

Claims 1 through 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Barkley.

Reference is made to the brief and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the anticipation rejection of claims 1 through 22, and reverse the anticipation rejection of claim 23.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

Appellants argue (brief, pages 4 and 5) that Barkley does not teach "providing a user-defined data type," "providing security information for the user-defined data type," and "storing data instances according to the user-defined data type" as required by claims 1, 5 and 17.

With respect to appellants' "user-defined data type" argument, the examiner contends (answer, page 7) that:

> Barkley teaches "providing a user-defined data type" (Barkley, column 6 lines 17-18, column 11 lines 20-25) by disclosing data types directed to depositor account information and employee information. Given the broad definition of "data type," it is clear that Barkley's depositor and employee information is a data type. A user defines depositor and account information because at some point a user must have defined what information makes up a depositor or account information record.

We agree with the examiner that the term "data type" is broad enough to encompass the banking environment data types set forth in Barkley (Figure 2; column 4, lines 53 through 66; column 11, lines 20 through 30), and that a user of a bank defines the information

related to a "depositor or account information record."

Turning next to appellants' argument concerning "providing security information for the user-defined data type," we agree with the examiner's contention (answer, page 7) that "Barkley teaches 'providing security information for a user-defined data type' (Barkley, column 7 lines 20-42, column 11 lines 40-56) by teaching Object Access Types (OATs) that provide security for account or employee data types."

Turning lastly to appellants' argument that Barkley does not teach "storing data instances according to a user-defined data type," we agree with the examiner's position (answer, page 8) that Barkley stores instances of resort to employee information and depositor account information (e.g., objects) in a database, and that the sought after data is compared to authorized users on an access control list (column 4, lines 53 through 66; column 11, lines 20 through 26; column 13, lines 19 through 27; column 13, line 62 through column 14, line 15).

In view of the foregoing, the anticipation rejection of claims 1, 5 and 17, and the claims that depend therefrom, is sustained.

In claim 23, a Structured Query Language query is used by a source seeking a data instance. The examiner is of the opinion (answer, page 9) that because "Barkley teaches a database system based upon a relational database model (Barkley, column 4 lines 53-60)," "it is an inherent feature of Barkley's invention that a

structured query language is used because SQL languages are used to interface with relational databases." Inasmuch as SQL is only one of several database query statements[1], and Barkley is silent as to how the relational database system is accessed, we must agree with the appellants' argument (brief, page 5) that Barkley is silent as to receiving a SQL query. The examiner's inherency finding fails to demonstrate that a SQL query is necessarily used by Barkley. Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). The examiner must provide extrinsic evidence, rather than an opinion, that makes clear that "the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." In re Robertson, 169 F.3d 743, 744-45, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). In summary, the anticipation rejection of claim 23 is reversed.

DECISION

The decision of the examiner rejecting claims 1 through 23 under 35 U.S.C. § 102(e) is affirmed as to claims 1 through 22, and is reversed as to claim 23.

1 According to appellants' disclosure (specification, page 2), "Structured Query Language (SQL) statements or other standard database-query statements" may be used to issue user requests.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136 (a)(1)(iv).

AFFIRMED-IN-PART

KENNETH W. HAIRSTON)
Administrative Patent Judge)
)
)
) BOARD OF PATENT
ERROL A. KRASS)
Administrative Patent Judge) APPEALS AND
)
) INTERFERENCES
JOSEPH F. RUGGIERO)
Administrative Patent Judge)

KWH/ce

Appeal No. 2007-0260
Application No. 09/897,628

JAMES M. STOVER
NCR CORPORATION
1700 SOUTH PATTERSON BLVD, WHQ4
DAYTON, OH 45479